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PREFACE.

The Board of Trustees of the Harlem Library, at a recent meeting, directed the printing of the following papers.

They were prepared for the use of Trustees and Members, and may serve to make generally known some facts relating to local history, and to interest the people in the objects contemplated by the law of 1871, for uniting the Harlem Library Association and the Harlem School in one corporation—The Harlem Library.

THE FOLLOWING ARE THE NAMES OF THE

Trustees and Officers of the Harlem Library.

DANIEL P. INGRAHAM, - *President.*
WILLIAM H. COLWELL, - - *Vice-President.*
WILLIAM G. WOOD, M. D., - - *Treasurer.*
EDGAR KETCHUM, - - - - - - *Secretary.*

ISAAC LOCKWOOD, HENRY PATTERSON,
CHARLES H. RANDELL, NATHANIEL JARVIS, JR.,
JONATHAN HANSON, ROBERT BELLONI,
GEORGE L. INGRAHAM.

REPORT OF A COMMITTEE

OF THE

TRUSTEES OF HARLEM SCHOOL.

To the Trustees of Harlem School:

The undersigned, appointed a Committee to confer with Judge Daniel P. Ingraham, President of the Harlem Library Association, in reference to the Act of March 29th, 1871, authorizing a union of this Corporation with that one, respectfully

REPORT:

That since their appointment they have at various times met Judge Ingraham. That a communication from him was read at the recent meeting of June 1st. Since then a later interview has brought another, and the information thus obtained, with recent events known to the Board, leads your Committee in this report to review the whole subject which the present occasion brings before us; and this may be considered under the following heads:

I. The Harlem Commons Act, of March 28th, 1820, and its origin.

II. The institutions provided for in that act, to be benefitted by the funds produced by the sale of the lands, with something of their constitutions and subsequent history.

III. A review of our own Corporation, its past course and present condition.

IV. A consideration of the question which the act of March 29th, 1871, requires us on our part to decide.

I.

THE HARLEM COMMONS ACT AND ITS ORIGIN.

In December, 1819, certain freeholders and inhabitants of Harlem, ninety-one in number, made petition to the Legislature, setting forth the patents of Harlem and the common lands given thereby, at the boundary between Harlem and New York; and the possession and use thereof; and the trespasses and encroachments thereon; and the taxes and assessments thereon accumulating; and the liability to pay largely for their defence; and the want of power to sell for reimbursement; and asking for a law, to vest the title in trustees to hold for the benefit of the petitioners and their successors, with power to sell, and out of the proceeds to pay all claims, and to apply the residue to purposes of education and learning, and such other purposes as the freeholders and inhabitants of Harlem should, from time to time, in

their town meeting, determine; and also to authorize the said freeholders and inhabitants to appoint three persons annually, to act as trustees in the premises.

Accordingly the Legislature passed the act of March 28th, 1820, (Chap. 115 of that year) entitled "An Act relative to the Common Lands of the freeholders and inhabitants of Harlem." This act recites the substance of the petition and then appoints four trustees, to be seized in fee of the lands, in trust, and to sell and convey the same, and out of the proceeds to pay certain expenses and charges. "And after such deductions and payments," the said trustees are authorized to distribute and pay out of the residue of the said moneys as follows:

1. The sum of $3,000, to the trustees of the Harlem Library, for the benefit of said library.

2. The sum of $3,500, to the trustees of the Hamilton School, for the benefit of that school.

3. The sum of $4,000, to the trustees of such school as may be established in the Village of Harlem.

4. The sum of $2,500, to the trustees of such school as may be established in the Village of Manhattanville.

5. The sum of $2,000, to the trustees of such school as may be established on said common lands. The same to be applied by the respective trustees to the benefit of the said last mentioned schools.

6. And the surplus moneys shall be distributed among the several religious congregations of the said

freeholders and inhabitants, in proportion to the number of church members in each, their respective proportions to be paid to their respective trustees, to be by them placed out at interest, on real security, and the yearly interest to be applied to their respective religious establishments.

II.

THE INSTITUTIONS RECEIVING THE PROCEEDS.

It so happened that the Dutch Reformed Church in Harlem was the only "religious congregation of the said freeholders and inhabitants," except a little congregation of colored people called "Zion Church," which took a small sum. Its house of worship is in 117th Street, near 2d Avenue. Something over $6,000, was given to the Reformed Dutch Church, and the balance to the other.

The Dutch Church is understood to have used the fund soon after it was received to pay off a mortgage.

The Harlem Library, at first a voluntary association, became incorporated under the general act of April 1, 1796.

Hamilton Free School (located on Kingsbridge Road, above Break-neck hill,) seems to have been in existence in 1820, and is referred to in a recent act as "The Trustees of Hamilton Free School." Acts 1860, chap. 330. By an Act for the incorporation of the Dyckman Library, passed April 12, 1860, (chap. 330,) five persons therein named are declared a body corporate, and the control of the property and funds is vested in them. The term of

the trustees is unlimited, and vacancies by death or otherwise are to be filled by the trustees remaining. And they are empowered to receive from "The Trustees of Hamilton Free School" the sum of $1,000, or whatever they may have after paying their debts.

The Manhattanville Free School was incorporated March 30, 1827. By an Act passed March 27, 1850, it was authorized and empowered to convey its real estate and improvements thereon to the Corporation of New York for the purposes of a ward school, and the conveyance was made accordingly.

The school "on the common lands" was the Yorkville School, and was incorporated by an Act passed in the year 1827. It was in operation about twenty-five years, and was superseded by the ward schools. Its present condition cannot here be stated.*

It is evident from the history, that the original idea of the petitioning freeholders and inhabitants of Harlem of having town meetings and there appointing three trustees "to act in the premises," was abandoned when the act was passed for which they had applied, for no such provision appears in it, and all the appropriations made of the proceeds indicate the purpose to commit finally to each of the recipients so much of the fund as was given to it. And in each of the School charters, Harlem, Yorkville, and Manhattanville, all passed in 1827, a clause is inserted directing the trustees of the Harlem commons

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* See note at the end of this pamphlet.

under the Act of 1820, to pay over to the corporation named, the sum of money in that act appropriated for it, and this without any qualification whatever. But those charters differed in an important particular.

In the Manhattanville charter, the voters are to be "the freeholders and inhabitants within the school district." In the Yorkville charter, the voters are to be the persons paying ten dollars each, and becoming with the consent of the trustees associate members.

In the Harlem charter, the voters were to be as at Manhattanville, "the freeholders and inhabitants within the school district." But this was amended in 1834, by the Act which required as a qualification for voting, a membership with the consent of the trustees, on the payment of five dollars. It is a tradition that this law was obtained by the good people of Harlem at that period, to hinder the success of a movement which had then begun to bring in crowds of people under certain leadership, desiring the property more than the prosperity of the school.

It is apparent from this history, that "the freeholders and inhabitants of Harlem" ceased many years ago to have any ownership, possession, or control of the funds proceeding from the sale of Harlem commons. The gifts to the churches, and Hamilton School, and Harlem Library, went absolutely to them respectively in 1827. So did the gift to the Yorkville School, in the same year. That to Manhattanville School went the same year to the freeholders and inhabitants of Manhattanville,

and the property was afterwards transferred to the City under the Act of 1850, as above mentioned. That to Harlem School went forty-five years ago to that corporation, composed, after April, 1834, of members accepted and contributing as before mentioned, and no others.

III.

REVIEW OF HARLEM SCHOOL.

From 1827 to 1849 inclusive, (in which last year was built Ward School No. 24, in 125th Street, near 2d Avenue,) this was the common school for Harlem. Then for a number of years the house and part of the funds were devoted to the use and encouragement of select and classical schools. Afterward the Ward School authorities applied for and obtained a lease of the house and lots for a primary school, but before the expiration of the lease quitted the premises for the new school house in 115th Street, near 3d Avenue, and left the building to be broken and ruined by the boys of the streets. And then, in the fall of 1871, the four lots on 120th Street which had been purchased in 1827 for $400, were sold with what remained upon them for $15.000.

IV.

THE ACT OF MARCH 29, 1871.

We are now authorized and empowered to unite with The Harlem Library Association in the new corporation created by the Act of March 29, 1871. As early as October, 1858, this board invited such union, and at vari-

ous times afterwards renewed the invitation. The Act authorized the union of the corporations and their estates and properties, under the name of The Harlem Library, combining the two boards the first year, and providing for annual elections thereafter.

Your Committee believe that under present circumstances, it would be wise to accept the Act of March 29, 1871, and thus enter upon a new course of usefulness in a field opening wide for occupancy in the present improved condition of our part of the city. And these two corporations are believed to be the only ones of all the original beneficiaries which are capable of the work now contemplated.

Our own, after pursuing diligently its course through forty-five years, can show nearly seven fold the capital with which it began, and a larger sum than the gross proceeds of the whole commons, which were about $25,500.

The other can show at the same time an amount available, not less than the sum total of net proceeds distributed under the Act, which was about $20,000.

Respectfully submitted,

EDGAR KETCHUM,
ISAAC LOCKWOOD, } *Committee.*

Dated, Harlem, June 7th, 1872.

ADDRESS TO THE SHAREHOLDERS

OF THE

HARLEM LIBRARY ASSOCIATION

BY ITS LATE PRESIDENT AND TRUSTEES.

To the Shareholders of the Harlem Library Association:

The trustees of this Corporation, having surrendered their powers and transferred the property of this Corporation to the "Harlem Library," under the law of 1871, incorporating that institution, deem it proper to state to the shareholders the condition of its affairs and the history of this Corporation. It is more necessary and proper at this time, when it is known that there are individuals who have no interest in, or right to any property of the Corporation, who have never paid one cent toward its funds, nor devoted one hour to its interests, but who are striving for purposes which it is not necessary here to state, to obtain possession of the property.

In the early part of the year 1825, a number of gentlemen then residents of Harlem, associated themselves together in forming a library. The society was not in-

corporated. Each member had a share therein for life, and none but members had any right therein. Books were collected, and a room procured for the purpose and other measures adopted for its success. But after some months it became apparent that it would be more permanent and eventually more successful, if a charter should be procured for it. And in September, 1825, the same persons, and other residents exceeding thirty in number, united together and became incorporated under the Act of 1796.

To do this it was necessary that they should subscribe and pay into the funds of the library, at least two hundred dollars. This was done by the members, and they became incorporated as the Harlem Library Association.

By the provisions of the Act of 1796, no one but shareholders could have any privilege in the library, or any vote for its trustees. The shares were declared to be transferable, and an annual payment was provided for at the direction of the trustees. The trustees by their by-laws adopted at the first meeting, provided a form of a certificate for shares, and afterwards directed a transfer book to be prepared which has been in use since that time.

When the Harlem Commons were sold, the proceeds were ordered by the Act providing for the sale, to be distributed among the schools existing and to be formed, and among the churches in the upper part of the island, and the sum of $3,000, was directed to be paid to the trustees of the Harlem Library, for the benefit of the library.

The money so received was applied in part to the purchase of books, in part to pay debts of the corporation, and in part on account of moneys owing for the erection of their buildings.

Since that time the library has been increased so as to contain more than 1000 volumes, but owing to the want of means sufficient to increase it advantageously, it was thought best to reserve what money could be obtained from the property of the corporation, for the purpose of collecting a fund sufficient to erect a suitable building on some other location.

The property of the library has been carefully preserved and is now transferred to the new corporation, with a sum in securities larger than was received from the State, and its library house and library entirely free from debt.

The object of the trustees throughout all that period of nearly fifty years, has been to preserve the property from loss, with the hope that the time would arrive when with the property they owned, and assistance from other sources and by the addition of new shareholders, the corporation would be able to erect a building that would be an ornament to the place, and lay the foundation for a library for future generations. In order to do this, it has often been necessary that individual trustees, should advance their own money, to pay debts or assessments upon the real estate of the Library.

The claim that has been made that the property of the Library is public property, is without foundation. It

always has been the intent and object of the Trustees, to apply all they had to the purposes of a Library, and to that purpose it is devoted. The money from the State was given for the benefit of the Library. If the Trustees were to take the fund and invest it, to be repaid to the State with interest, it is difficult to see how such a loan could benefit the Library, and it is equally difficult to see how a gift to a private corporation, to aid the objects of the corporation, could be used afterwards to found a claim to its entire property.

Had the money given by the State been used or expended as it has been by all the institutions to which it was given, except the Library and School, there would have been nothing to excite the cupidity of others, and no fault would have been found in such results. The preservation of the fund by these Corporations has led to a contrary course of conduct. There is no possible ground for any such claim as that above-mentioned, and no person who is not a shareholder has any right or authority to intermeddle with the property.

The union with the School, if not interfered with, will afford the means of purchasing a larger piece of land than the present, and erecting such a building as will be needed in the future for a public library and reading room, as well as make provision for a regular increase of books for the Library.

If, however, the attempt to prevent that law from being fully carried out, should succeed, the shareholders of the Harlem Library Association can maintain their Li-

brary against the attacks of all their enemies, and preserve their rights and property under the constitution and laws that created them.

Dated 30th September, 1872.

By order of the Trustees.

D. P. INGRAHAM,
President.

ANSWER OF THE HARLEM LIBRARY

TO THE

CITIZENS' AND TAX-PAYERS'

PROTECTIVE UNION.

To Charles Ruston, Esq., *and others, a Committee of the Citizens' and Taxpayers' Protective Union.*

Gentlemen:

I am instructed by the Board of Trustees of the Harlem Library to say that it is favored with your communication, dated October 14th, 1872, asking in substance:

How far the citizens of Harlem were interested in the Harlem Library and Harlem School, now united under the Act of 1871, in one corporation called the Harlem Library?

Whether the Library was a public institution, and if so, what steps are being taken by the trustees to make it beneficial to the inhabitants?

And whether any respectable citizen of Harlem can, on the payment of a specific sum become a member of the Library, and be entitled to a vote in the election of trustees?

And I am instructed to answer that the interest thus manifested by the Protective Union is gratifying to the trustees:—

Some of them labored for one or the other of the two corporations named through many years, with small means and smaller sympathy or aid from the people at large, but cheered by the fellowship and co-operation of excellent men, now passed away, whose names were synonymous with integrity and public spirit. No such application as the present was ever made to them in all that time, nor any proposition of any plan whatever for promoting the public welfare, except as made by one of these corporations to the other.

What could be effected with their small means was done, with few to praise and none to blame them; and now, when self-denial and patience, and persevering watchfulness and labor, with the growth of this part of the city, have brought an increase both of their opportunities and their ability to improve them, they are impressed by the interest manifested by portions of the people in the matters which they have in charge.

Of the six objects for whose benefit sums of money were appropriated by the Act of March 28, 1820, only two seem to have awakened this interest—Harlem School and Harlem Library. Whether this is because the appro-

priations to all the others have disappeared, and these two agencies, by their diligence and care, have not only fulfilled the purposes expressed in the statutes without loss of capital, but have brought considerable additions to those original appropriations, and are devising new plans for the public advantage, or whether it is from some other cause, the trustees know not, but they have never doubted that their plans would meet with the approbation of good citizens as soon as they should be understood.

Those plans are what may be inferred from the provisions of the general Acts of 1796 and 1853 for the incorporation of Public Libraries, and from the Act of March 29, 1871, for the incorporation of the Harlem Library. They are not for the acquisition of pecuniary profit for the corporators, nor for their special advantage in any way, but they are for the common advantage, by means of a public library, of all persons who desire to profit by them, in conformity with the regulations of the Board of Trustees contemplated and authorized by the Acts of the Legislature.

In the year 1827 the Harlem Library Association received under the Act of 1820, from the proceeds of the sale of Harlem Commons $3,000, "for the benefit of said Library;" and the Trustees of Harlem School received from those proceeds $4,000 "for the benefit of said school." Those corporations obtained other moneys, partly from their members and partly from other sources, and acquired property much exceeding those particular

appropriations, and all that each possessed was used by it exclusively for the objects for which it was incorporated.

From the origin of the Library Association in 1825 none other than that corporation had any title to the property and effects which it held in its possession, and only its shareholders could vote for its trustees, and its shares were always transferable.

From the origin of the Trustees of the Harlem School in 1827 none other than that corporation had any title to the property and effects which it held in its possession. And from the time of the amendment of its charter in 1834, only its members accepted and contributing as therein prescribed could vote for its trustees.

From the beginning the trustees and officers of each have served it without any compensation, and have, also, from time to time contributed towards its wants. From the beginning the corporators have neither sought nor received any pecuniary profit or return whatever. And from the beginning no application for membership was ever rejected by either.

The property now held by the Harlem Library is devoted to the uses of a public library for ever. Neither the trustees nor the shareholders can legally divert any part of it to any other object than is provided in the Acts of the Legislature. Any attempt to do so would be a violation of law which any shareholder could appeal to the courts to hinder, and which the State of its own motion, could interpose before the courts to prevent.

The trustees of the new consolidated corporation have

taken pleasure in contemplating a plan for erecting a new building upon some eligible site where a public library can be established which will be of solid advantage to this part of the city, and they are now engaged in seeking a proper place. Their means, it is hoped, will prove sufficient to execute such a plan without incurring any debt; and their next effort will be to obtain a supply of books and periodicals for a library and reading room.

The trustees are authorized by the original Act of 1796 to fix the price of shares and the annual payments on them for the support of the library, and to admit members of the corporation as in that act provided. And by that original enactment shares were made transferable.

Under such authority the trustees have fixed the sum to be paid for a share by any person that may be admitted as a member at one hundred dollars, and have provided that for $3 annually any one may have the use of books and of the reading room.

I am instructed by the Board of Trustees to say, gentlemen, that it is pleased thus to answer your inquiries, and to add that it hopes that in future, as its work advances and becomes visible to all and useful to many, it will be recognized as not unwise, and will be welcomed as an honest and beneficial work.

And now, gentlemen, I am to say further, that a class of persons who must be strangers both to the legislation and history connected with the present subject are said to be much excited against the former, and especially the

Act of March 29, 1871, of which they are demanding the repeal. They show themselves to have no more knowledge of the history or laws than they have title to the property of this corporation which they are loudly calling their own.

The charters of 1825 and 1827-34 were under the Constitution of the United States and that of this State beyond the power of legislation to alter or repeal them without the consent of the corporations themselves. Therefore it was that the Act of 1871 was made subject to their acceptance. If that Act should be repealed, the effect would be simply to revive the former charters, and place them as far as ever beyond the reach of unacceptable legislation.

Very respectfully, Gentlemen,

Your obedient servant,

EDGAR KETCHUM,
Secretary of the Harlem Library.

Dated NEW YORK, October 22d, 1872.

NOTE.

(Referred to on Page 9.)

The Corporation of Yorkville School was dissolved by proceedings before the Supreme Court, in the year 1860, instituted by the Attorney General at the instance of the Board of Trustees. The proof was, that in 1859, the school house and lots had been sold for $10,000, which was reduced by the payment of debts and expenses to about $7,900, and under the final judgment this was distributed among the corporators, giving about $184 to each.

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